



## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Offic

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/680,280 10/06/00 DWYER

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HONEYWELL INTERNATIONAL INC.  
101 COLUMBIA ROAD  
P O BOX 2245  
MORRISTOWN NJ 07962-2245

EXAMINER

TRAN,D

ART UNIT

PAPER NUMBER

5

3661

DATE MAILED:

07/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	<b>Application No.</b> 09/680,280	<b>Applicant(s)</b> DWYER ET AL.
	<b>Examiner</b> DALENA TRAN	<b>Art Unit</b> 3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 06 October 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-47 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-47 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 .
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

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## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This application has been examined. Claims 1-47 are pending.
2. The prior art submitted on 4-12-01 has been considered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,11,28, and 38, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Cline et al. (4,642,775) in view of Murray et al. (5,842,142).

As per claims 1,11, and 28, Cline et al. disclose a navigational system, comprising: a display device (see column 4, lines 12-39). Cline et al. do not mention simultaneously display of an original flight plan and a modified flight plan on display device. However, Murray et al. mention that (see column 12, lines 26-67).

Also as per claim 38, Cline et al. disclose a navigational system, comprising: a CPU, a flight control system, and a display device (see columns 4-5, lines 40-54). Murray et al. mention a logic simultaneously display of an original flight plan and a modified flight plan on display device (see column 4, lines 32-55; and columns 8-9, lines 1-5), and CPU provides inputs to flight control

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system based on navigational data corresponding to the original flight plan (see columns 5-6, lines 33-33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Cline et al. by mention simultaneously display of an original flight plan and a modified flight plan on display device to compare the constraint and performance of both the original flight plan and a modified flight plan.

4. Claims 39- 40, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Murray et al. (5,842,142) in view of Gonser et al. (5,408,413).

As per claim 39, Murray et al. mention a display device (see the abstract). Murray et al. do not clearly mention a comparative data for an original flight plan and a modified flight plan on display device. However, Gonser et al. mention that (see columns 9-10, lines 57-15).

As per claim 39, Gonser et al. mention the comparative data comprises a textlist of waypoints and performance data for common waypoints (see column 3, lines 30-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Cline et al. by mention a comparative data for an original flight plan and a modified flight plan on display device to determine an actual cost in fuel and flight time for a given flight plan.

5. Claims 2-5,9,12-15,29-32,36,42, and 46, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Cline et al. (4,642,775) and Murray et al. (5,842,142) as applied to claims 1,11,28, and 39 above, and further in view of Murray et al. (5,797,106).

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As per claims 2,12, and 29, Cline et al., and Murray et al.('142) do not mention a textlist of waypoints, and performance data on the original flight plan and a modified flight plan. However, Murray et al. ('106) mention that (see columns 1-2, lines 58-33; and columns 5-6, lines 22-10).

Also as per claims 3,13, and 30, Murray et al. ('106) mention the textual display presented performance data for waypoints that are added to the modified flight plan (see column 5, lines 7-20).

As per claims 4,14,31, and 41, Murray et al. ('106) mention performance data for the waypoint on the original flight plan and for the waypoint on the modified flight plan (see column 7, lines 25-55).

As per claims 5,15, and 32, Murray et al. ('106) mention an interface that allows an operator to change the modified flight plan (see column 3, lines 43-67), and logic updates the textlist of waypoints and the performance data on the textual display when the modified flight plan is changed (see the abstract; and columns 3-4, lines 43-18).

As per claims 9,36, and 46, Murray et al. ('106) mention interface device allows an operator to change the modified flight plan on either the textual or graphical display (see columns 4-5, lines 37-6), and the graphical display is updated when the modified flight plan is changed (see column 4, lines 19-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Cline et al., and Murray et al.('142) by mention the textual display

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and performance data for the waypoint on the original flight plan and for the waypoint on the modified flight plan to convenience for a user compare the original flight plan and the modified flight plan.

As per claim 42, Murray et al.('142) mention interface device and logic updates the comparative data on the textual display when the modified flight plan is changed (see columns 6-7, lines 36-67).

6. Claims 6-8,10,16-17,33-35,37,43-45, and 47, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Cline et al. (4,642,775), Murray et al. (5,842,142), and Murray et al. (5,797,106) as applied to claims 1,11,28, and 39 above, and further in view of Griffin, III et al. (5,916,297).

As per claims 6,16,33, and 43, Griffin, III et al. mention the textual display waypoints to be removed on the original flight plan, not on the modified flight plan (see column 3, lines 23-40; and columns 6-7, lines 53-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Cline et al., Murray et al.('142), and Murray et al. ('106) by mention the textual display waypoints to be removed on the original flight plan, not on the modified flight plan to provide a clear view of the modified flight plan for an operator.

As per claims 7,17,34, and 44, Griffin, III et al. mention when the modified flight plan is activated to become a new original flight plan, logic removes from the textual display the waypoints that are designated to be removed (see the abstract).

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As per claims 8,35, and 45, Griffin, III et al. mention simultaneously presented on display device a graphical display of the original flight plan and the modified flight plan (see columns 1-2, lines 65-34).

As per claims 10,37, and 47, Griffin, III et al. mention interface allows an operator to change the modified flight plan on either the textual display or the graphical display (see column 3, lines 1-22), the graphical display of the modified flight plan is updated when the modified flight plan is changed (see column 3, lines 4-68), and when the modified flight plan is activated to become the new flight plan, the graphical display is updated to display only the new original flight plan. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Cline et al., Murray et al.(‘142), and Murray et al. (‘106) by mention when the modified flight plan is activated to become the new flight plan, the graphical display is updated to display only the new original flight plan to avoid unnecessary data left in the screen display to confuse the operator.

7. Claim 18 is method claim corresponding to system claims 1 and 11;

Claim 19 corresponding to system claims 2 and 12;

Claim 20 corresponding to system claims 3 and 13;

Claim 21 corresponding to system claims 4 and 14;

Claim 22 corresponding to system claims 5 and 15;

Claim 23 corresponding to system claims 6 and 16;

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Claim 24 corresponding to system claims 7 and 17 above. Therefore, they are rejected for the same rationales set forth as above.

Claims 25-27 corresponding to system claims 8-10 above. Therefore, they are rejected for the same rationales set forth as above.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- . Lions (4,086,632)
- . Briffe et al. (6,112,141)
- . Tang et al. (6,134,500)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Dalena Tran, whose telephone number is (703) 308-8223. The examiner can normally be reached on Monday-Friday from 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

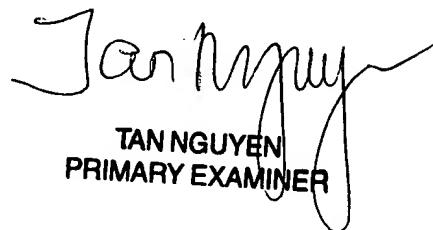
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(703) 305-7687, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

/dt  
July 10, 2001

  
TAN NGUYEN  
PRIMARY EXAMINER